



August 4, 2014

VIA CERTIFIED MAIL

Crown Disposal Co., Inc.
9189 De Garmo Avenue
Sun Valley, California 91352

Community Recycling & Resource Recovery, Inc.
9189 De Garmo Avenue
Sun Valley, California 91352

T & R Fry Family Trust
*Owner of Crown Disposal Co., Inc., and
Community Recycling & Resource Recovery, Inc.*
9189 De Garmo Avenue
Sun Valley, California 91352

Thomas H. Fry
*Registered Agent and President
Crown Disposal Co., Inc.*
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Re: Notice of Violation and Intent to File Suit under the Clean Water Act

To Whom It May Concern:

I am writing on behalf of Los Angeles Waterkeeper ("Waterkeeper") in regard to violations of the Clean Water Act ("CWA")¹ and California's Storm Water Permit² occurring at the Crown Disposal and Community Recycling facility, located on the 8.5 acres at 9143 to 9189

¹ Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*

² National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ.

De Garmo Avenue, 11300 W. Pendleton Street, and 11201 to 11219 Randall Street (“Main Site”) and on the 4.26 acres of eight contiguous parcels³ located along De Garmo Avenue across from the Main Site, at the east corner of De Garmo Avenue and W. Pendleton St., Sun Valley, CA 91352 (“Auxiliary Site”), (the Main Site and the Auxiliary Site are collectively referred to hereinafter as the “Crown Facility”). The purpose of this letter (“Notice Letter”), issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act, is to put Crown Disposal Company, Inc., Community Recycling & Resource Recovery, Inc., T & R Fry Family Trust, and Thomas H. Fry (collectively referred to hereinafter as “Crown Facility Owners and/or Operators”) on notice of the violations of the Storm Water Permit occurring at the Crown Facility, including, but not limited to, violations caused by discharges of polluted storm water from the Crown Facility into local surface waters. Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, the Crown Facility Owners and/or Operators are liable for violations of the Storm Water Permit and the Clean Water Act.

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to file suit. Notice must be given to the alleged violator, the Administrator of the United States Environmental Protection Agency (“EPA”), the Regional Administrator of the EPA, the chief administrative officer of the water pollution control agency in the State in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation.⁴ This Notice Letter is being sent to you as the responsible owner(s), officer(s), and/or operator(s) of the Crown Facility, or as the registered agent for these individuals and entities. By this Notice Letter, Waterkeeper puts the Crown Facility Owners and/or Operators on notice that, after the expiration of sixty (60) days from the date of this Notice Letter, Waterkeeper intends to file an enforcement action in Federal court against them for violations of the Storm Water Permit and the Clean Water Act.

I. Background

A. Los Angeles Waterkeeper

Los Angeles Waterkeeper is a non-profit 501(c)(3) public benefit corporation organized under the laws of California with its main office at 120 Broadway, Suite 105, Santa Monica, CA 90401. Founded in 1993, Waterkeeper has approximately 3,000 members who live and/or recreate in and around the Los Angeles area. Waterkeeper is dedicated to the preservation, protection, and defense of the rivers, creeks and coastal waters of Los Angeles County from all sources of pollution and degradation. To further this mission, Waterkeeper actively seeks federal and state implementation of the Clean Water Act. Where necessary, Waterkeeper directly initiates enforcement actions on behalf of itself and its members.

³ The addresses for the eight parcels are as follows: 11222 W. Pendleton Street, 9178 N. De Garmo Avenue (APN 2408034005); 11200 W. Pendleton Street (APN 2408034008); 9158 N. De Garmo Avenue (APN 2408034011); 9150 N. De Garmo Avenue (APN 2408034012); 9146 N. De Garmo Avenue (APN 2408034013); 9136 N. De Garmo Avenue (APN 2408034014); 9132 N. De Garmo Avenue and 11141, 11155 W. Randall Street (APN 2408034015); and 11218 W. Pendleton Street (APN 2408034040).

⁴ 40 C.F.R. § 135.2(a)(1).

Members of Waterkeeper reside in Los Angeles County, near Sun Valley. As explained in detail below, Crown Facility Owners and/or Operators have continuously discharged pollutants into the Central Branch Tujunga Wash and the Los Angeles River, which flows into the Los Angeles River Estuary and the Pacific Ocean (collectively "Receiving Waters") in violation of the Clean Water Act and the Storm Water Permit. Waterkeeper members use these waters to fish, kayak, and wade in as well as hike and bike along the waters' banks. Additionally, Waterkeeper members use these waters to view wildlife, and engage in scientific study through pollution and habitat monitoring and restoration activities, including Waterkeeper's Kelp Restoration Project, Marine Protected Areas Watch Project, and Drain Watch Program. Thus, the interests of Waterkeeper's members have been, are being, and will continue to be adversely affected by Crown Facility Owners' and/or Operators' failure to comply with the Clean Water Act and the Storm Water Permit.

B. The Owners and/or Operators of the Crown Facility

Information available to Waterkeeper indicates that two corporations own and operate the Crown Facility: Crown Disposal Company, Inc., and Community Recycling & Resource Recovery, Inc. At the Main Site, Crown Disposal Company, Inc., operates a refuse collection service and truck yard and Community Recycling & Resource Recovery, Inc., operates a solid waste transfer station that receives mixed and source-separated municipal solid waste from residential, commercial, and industrial sources including produce and other food waste, construction and demolition waste, and yard and green waste. At the Auxiliary Site, both companies carry out industrial operations directly related to their operations at the Main Site.

The available information indicates that Crown Disposal, Inc., and Community Recycling & Resource Recovery, Inc., are active corporations registered in California with entity numbers C0538889 and C06898234, respectively. The available information indicates that both companies are owned by T & R Fry Family Trust, with Thomas H. Fry and Ruth M. Fry as trustees. The Registered Agent for both corporations is Thomas H. Fry. The entity addresses and the agent addresses for both corporations are the same: 9189 De Garmo Avenue, Sun Valley, CA 91352.

Industrial dischargers are required to apply for coverage under the Storm Water Permit by submitting a Notice of Intent ("NOI") to obtain Storm Water Permit coverage to the State Water Resources Control Board ("State Board").⁵ On April 7, 1992, the State Board initially confirmed receipt of the Crown Facility Owners' and/or Operators' NOI to obtain Storm Water Permit coverage for a two acre facility located at 9189 De Garmo Avenue in Sun Valley, CA ("NOI Receipt"). On February 27, 2004, the Crown Facility Owners and/or Operators submitted a revised NOI, which operates as the Crown Facility's active NOI ("Crown Facility NOI"). The Crown Facility NOI identifies the operator of the Crown Facility as Thomas H. Fry and the facility name as "Crown Disposal/Community Recycle" and the address as "9189 De Garmo Ave, Sun Valley."

⁵ Finding 3, Storm Water Permit.

As explained herein, Crown Disposal Company, Inc., Community Recycling & Resource Recovery, Inc., T & R Fry Family Trust, and Thomas H. Fry ("Crown Facility Owners and/or Operators") are liable for violations of the Storm Water Permit and the Clean Water Act occurring at the Crown Facility.

C. Storm Water Pollution and the Receiving Waters

With every significant rainfall event millions of gallons of polluted storm water originating from industrial operations such as the Crown Facility pour into storm drains and the local waterways. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and aquatic dependent wildlife. These contaminated discharges can and must be controlled for the ecosystem to regain its health.

Polluted discharges from waste transfer and truck yard facilities such as the Crown Facility contain pollutants such as: bacteria; oil and grease ("O&G"); hydraulic fluids; transmission fluid; antifreeze; solvents; detergents; water-based paint and solvents; aromatic hydrocarbons; chlorinated hydrocarbons; total suspended solids ("TSS"); plastic pellets; and heavy metals (including copper, iron, lead, aluminum, and zinc). Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, developmental, or reproductive harm. Discharges of polluted storm water and non-storm water to the Receiving Waters via the storm drain system pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

The Receiving Waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically diminished once-abundant and varied fisheries, the Receiving Waters are still essential habitat for dozens of fish and bird species as well as macro-invertebrate and invertebrate species. Storm water and non-storm water contaminated with sediment, heavy metals and other pollutants harm the special aesthetic and recreational significance that the Receiving Waters have for people in the surrounding communities. The public's use of the Receiving Waters for water contact recreation exposes many people to toxic metals and other contaminants in storm water and non-storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

Polluted discharges from the Crown Facility into area storm drains cause and/or contribute to the impairment of water quality in the Los Angeles River. The Los Angeles Regional Water Quality Control Board's ("Regional Board") Water Quality Control Plan for the Los Angeles and Ventura County Watersheds ("Basin Plan") lists the Beneficial Uses for inland surface waters, which receive polluted storm water discharges from the Crown Facility. These Beneficial Uses include: water contact recreation (REC 1), non-contact water recreation (REC 2), municipal and domestic supply (MUN), warm freshwater habitat (WARM), wildlife habitat (WILD), and associated wetland habitat (WET). *See* Basin Plan, Table 2-1. For the Los Angeles

area aquatic ecosystem to regain its health, contaminated storm water discharges, including those from the Crown Facility, must be eliminated.

D. Crown Facility Site Description

The Crown Facility is a waste transfer station and truck yard and has been in operation since 1973. Information available to Waterkeeper indicates that the Crown Facility includes both the Main Site and the Auxiliary Site, which the Crown Facility Owners and/or Operators operate as a single facility, herein referred to collectively as the "Crown Facility." The Crown Facility NOI states that the Crown Facility is 8.5 acres in size. However, information available to Waterkeeper indicates the actual size, including the acreage of Crown Facility's Main Site and Auxiliary Site, is 12.76 acres. Information available to Waterkeeper indicates that the Crown Facility is bisected by De Garmo Ave., with 8.5 acres located on the southwest side of De Garmo Ave. ("Main Site") and 4.26 acres on the northeast side of the street ("Auxiliary Site"). Although the Crown Facility NOI includes the 8.5 acres of the Main Site, it does not include the additional 4.26 acres of the Auxiliary Site.

1. Main Site Site Description

The Main Site is bound on the northeast by De Garmo Avenue, on the northwest by Pendleton Street, on the southwest by private property, and on the southeast by private property and Randall Street. The Main Site has three driveways on Pendleton Street, two driveways on De Garmo Avenue, and one driveway on Randall Street.

Information available to Waterkeeper indicates approximately 98% of the Main Site is surfaced with impervious materials, totaling 332,000 square feet. Two percent of the Main Site, totaling 8,000 square feet, is unpaved and includes processing areas for green waste and wood waste and an inerts processing area.

A significant portion of the Main Site is dedicated to loading and unloading areas. Mixed waste is dumped on the ground in unloading or tipping areas and recovered recyclables are placed into roll-off boxes. Material to be processed is unloaded and processed material is re-loaded for transport at the construction demolition sorting area and the green waste/wood waste grinding area. Based on Waterkeeper's observations, waste materials, recyclable materials, and debris are regularly strewn about the grounds of the Facility and tracked off the Facility by trucks.

a. Main Site Industrial Activities and Pollutant Sources

The Crown Facility NOI states the Crown Facility WDID number as "19I004715" and the Standard Industrial Classification ("SIC") codes of regulated activities as 4212 (Local Trucking Without Storage) and 5093 (Scrap Recycling). Based on information available to Waterkeeper, the Crown Facility NOI does not list the Crown Facility's additional industrial activities including: hazardous waste storage and/or disposal (SIC code 4953), plastic pellet production (SIC code 3089), sanitary services (SIC code 4959) or trucking terminal facilities

(SIC code 4231) at the Crown Facility.

Information available to Waterkeeper indicates the transfer station at the Main Site receives municipal solid waste from commercial, industrial and residential sources and recovers recyclable material. The truck yard at the Main Site provides a refuse collection service and maintains its vehicles at the Crown Facility. Based on information available to Waterkeeper, the following industrial activities are conducted and co-located at the Main Site: receipt of mixed municipal waste from refuse collection trucks and construction and demolition waste materials from self-haulers; dumping and temporary storage of waste materials on an outdoor tipping floor; processing of waste through manual and mechanical steps to remove recyclables; truck and other vehicle maintenance and storage; and plastic pellet production.

Sources of pollutants associated with the industrial activities at the Main Site include, but are not limited to: tipping floor area; mixed waste sorting area; construction and demolition sorting area; inerts sorting area; plastic pellet production area; bales of plastic bags; green waste grinding areas; areas for loading and unloading of roll-off boxes; truck wash areas; parking areas; fueling areas; driveway areas; vehicle maintenance areas; vehicle and equipment storage areas; storage areas for rusted spare parts and components; machine shop; uncovered roll-off boxes, dumpsters, or other containers; the on-site buildings and overhead structures; and on-site material handling equipment such as grinders, balers, forklifts, tractors, and trucks.

Information available to Waterkeeper indicates that waste materials collected at the Main Site are stored outdoors without adequate cover or containment, and near driveways leading from the Main Site to De Garmo Avenue, Pendleton Street, and Randall Street. Industrial operations at the Main Site are also conducted outdoors without adequate cover to prevent storm water exposure to pollutant sources, and without secondary containment or other measures to prevent polluted storm water and prohibited non-storm water discharges from the Main Site.

Further, information available to Waterkeeper indicates that all waste and recyclable material processing at the Main Site occurs in the open air, with no roof or canopy coverage to protect materials from precipitation. While some of the processed material, like baled paper, are stored under a canopy, other materials, including biomass from green waste and wood, are stored in large uncovered and uncontained piles. Additionally, although most of the vehicle maintenance activities are done under cover, some maintenance, equipment washing, and storage is done outside of covered areas and is exposed to precipitation.

Information available to Waterkeeper also indicates that green/wood waste, recyclable materials, and other pollutants have been and continue to be tracked throughout the Main Site's operations areas. These pollutants accumulate at the loading and unloading areas and the driveways leading onto De Garmo Avenue, Pendleton Street, and Randall Street. As a result, trucks and vehicles leaving the Main Site via staging areas and driveways are pollutant sources tracking sediment, dirt, oil and grease, and other pollutants off-site.

b. Main Site Pollutants and Discharge Points

The pollutants associated with operations at the Main Site include, but are not limited to: bacteria, O&G, pH-affecting substances, hydraulic fluid, anti-freeze, battery acid, cutting oils, lubricants, cleaning agents, phenols, herbicides and pesticides, plastic pellets, total suspended solids, iron, lead, aluminum, asbestos, copper, zinc, chemical oxygen demand, magnesium, ammonia, arsenic, cadmium, cyanide, mercury, selenium, and silver. The Crown Facility Owners' and/or Operators' failure to develop and/or implement required best management practices ("BMPs") at the Main Site results in the exposure of pollutants associated with industrial activities to precipitation. The polluted storm water is then discharged from the Main Site into Receiving Waters in violation of the Storm Water Permit. The Crown Facility Owners' and/or Operators' failure to develop and/or implement required BMPs also results in prohibited discharges of non-storm water in violation of the Storm Water Permit and the Clean Water Act.

Information available to Waterkeeper indicates there are at least seven discharge points at the Main Site. The Crown Facility Owners and/or Operators only sample from three discharge points, identified by the Crown Facility Owners and/or Operators as follows: discharge site 1 at Pendleton Street, discharge site 2 at De Garmo Avenue, and discharge site 3 at Randall Street. Information available to Waterkeeper indicates that discharge site 1 at Pendleton Street is located at the middle driveway of the Main Site's three driveways leading to Pendleton Street. Information available to Waterkeeper indicates that discharge site 2 at De Garmo Avenue is located at the northwestern driveway of the Main Site's two driveways leading to De Garmo Avenue. Information available to Waterkeeper indicates that discharge site 3 at Randall Street is located at the Main Site's single driveway leading to Randall Street.

In addition to the three discharge locations identified by the Crown Facility Owners and/or Operators, the Regional Board has identified two additional discharge points from the Main Site's two clarifiers, which discharge to Pendleton Street and De Garmo Avenue during storm events producing more than 0.1 inch of storm water. Also, based on Waterkeeper's observations there exist two additional discharge points. These two discharge locations are at the most southwestern of the Main Site's three driveways leading to Pendleton Street and at the most southeastern of the Main Site's two driveways leading to De Garmo Avenue.

In sum, the information available indicates that at least seven discharge points exist at the Main Site at the following locations:

- Discharge Location No. 1: Middle driveway of three driveways leading to Pendleton Street, referred to as “discharge site 1” by the Crown Facility Owners and/or Operators
- Discharge Location No. 2: Northwestern driveway leading to De Garmo Avenue, referred to as “discharge site 2” by the Crown Facility Owners and/or Operators
- Discharge Location No. 3: Driveway leading to Randall Street, referred to as “discharge site 3” by the Crown Facility Owners and/or Operators
- Discharge Location No. 4: Discharge from Northern Clarifier to Pendleton Street
- Discharge Location No. 5: Discharge from Eastern Clarifier to De Garmo Avenue
- Discharge Location No. 6: Southwestern driveway leading to Pendleton Street
- Discharge Location No. 7: Southeastern driveway leading to De Garmo Avenue

2. Auxiliary Site Description

The Auxiliary Site is located directly across De Garmo Avenue from the Main Site and is bound on the northwest by Pendleton Street, on the southwest by De Garmo Avenue, on the southeast by Randall Street, and on the northeast by private property. The Auxiliary Site has two driveways on De Garmo Avenue and one driveway on Randall Street.

Based on Waterkeeper’s observations, the Auxiliary Site consists of a substantial unpaved area used for storage of trucks, uncovered and uncontained bales of plastic bags, and covered and uncovered roll-off boxes containing recyclable materials. The remainder of the Auxiliary Site is surfaced in impervious materials. Based on Waterkeeper’s observations, sections of the impervious surface are used for storage of trucks and bales of plastic bags while the remainder is used for vehicle maintenance. The vehicle maintenance area is almost entirely covered by a large permanent structure.

a. Auxiliary Site Industrial Activities and Pollutant Sources

Based on Waterkeeper’s observations, the Auxiliary Site is used by the Crown Facility Owners and/or Operators for activities directly connected to the Main Site’s scrap recycling, local trucking, trucking terminal activities, hazardous waste storage and/or disposal, and plastic pellet production. Therefore, the information available to Waterkeeper indicates that the Standard Industrial Classification (“SIC”) codes for the activities occurring at the Main Site also apply to the Auxiliary Site: 4212 (local trucking without storage), 4231 (trucking terminal facilities), 5093 (scrap recycling), 4953 (hazardous waste treatment, storage, and/or disposal), 3089 (plastic pellet production) and 4959 (sanitary services).

At the Auxiliary Site, Crown Disposal trucks unload roll-off boxes containing scrap recycling materials. Waterkeeper’s observations indicate that scrap recycling materials and

plastic bag bales are stored outdoors without adequate cover and containment, and near driveways leading from the Auxiliary Site to De Garmo Avenue and Randall Street. The scrap recycling materials are stored in covered and uncovered bins. Bales of plastic bags for plastic pellet production are stored on the ground, without any cover or containment. Additionally, Crown Disposal trucks are maintained and stored at the Auxiliary Site.

The sources of pollutants associated with the industrial activities at the Auxiliary Site include, but are not limited to: bales of plastic bags; areas for loading and unloading of roll-off boxes; parking areas; driveway areas; vehicle maintenance areas; vehicle and equipment storage areas; machine shop; uncovered roll-off boxes, dumpsters, or other containers; scrap recycling materials; the on-site overhead structures; and on-site material handling equipment such as forklifts, tractors, and trucks.

b. Auxiliary Site Pollutants and Discharge Points

The pollutants associated with operations at the Auxiliary Site include, but are not limited to: bacteria, O&G, pH-affecting substances, hydraulic fluid, anti-freeze, battery acid, cutting oils, lubricants, cleaning agents, phenols, herbicides and pesticides, TSS, iron, lead, aluminum, asbestos, copper, zinc, chemical oxygen demand, magnesium, ammonia, arsenic, cadmium, cyanide, mercury, selenium, and silver. The Crown Facility Owners' and/or Operators' practice of storing materials outside without cover results in the exposure of pollutants associated with industrial activities to precipitation. The polluted storm water is then discharged from the Auxiliary Site into Receiving Waters in violation of the Storm Water Permit. The Crown Facility Owners' and/or Operators' failure to develop and/or implement required BMPs also results in prohibited discharges of non-storm water in violation of the Storm Water Permit and the Clean Water Act.

Information available to Waterkeeper indicates there are at least three discharge points at the Auxiliary Site, located at the site's two driveways on De Garmo Avenue and one driveway on Randall Street.

II. Violations of the Clean Water Act and the Storm Water Permit

A. Failure to Comply with Notice of Intent Requirements in Violation of Provision E(1) of the Storm Water Permit

Section 301(a) of the Clean Water Act prohibits the discharge of a pollutant into navigable waters except as in compliance with specified sections of the Act, including section 402. 33 U.S.C. § 1311(a). Section 402(p) establishes a framework for regulating industrial storm water discharges under the National Pollutant Discharge Elimination System (NPDES) program. *See id.* at §1342(p). In order to lawfully discharge storm water in California, certain industrial operations must obtain coverage under the NPDES General Storm Water Permit and comply with its terms, or obtain and comply with an individual NPDES permit. *Id.* at §1342. Scrap recycling (SIC Code 5093), plastic pellet production (SIC code 3089), local trucking (SIC code 4212), trucking terminal facilities (SIC code 4231), and hazardous waste storage and/or disposal

(SIC code 4953) are specifically covered under the Storm Water Permit and operators carrying out these activities must comply with the requirements and effluent limitations within the Storm Water Permit. *See* Storm Water Permit, Attachment 1. The Storm Water Permit NOI Instructions require a facility operator to provide the total size of the facility and a site map of the entire facility. Storm Water Permit, Attachment 3 (NOI Instructions), Section III, Part C and Section VIII.

Information available to Waterkeeper indicates that the Crown Facility Owners and/or Operators are in violation of the Storm Water Permit by failing to include the Auxiliary Site and all regulated industrial activities conducted at the Crown Facility in the Crown Facility NOI. Every day the Crown Facility Owners and/or Operators operate the Crown Facility without an NOI that includes the Auxiliary Site and all regulated industrial activities occurring at the Crown Facility is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The Crown Facility Owners and/or Operators have been in daily and continuous violation of the requirement to comply with the Storm Water Permit every day since beginning operations at the Auxiliary Site and every day since beginning regulated activities not included in the Crown Facility NOI. These violations are ongoing, and Waterkeeper will include additional violations when information becomes available. The Crown Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since August 4, 2009.

1. Failure to Include the Auxiliary Site in the Crown Facility NOI

Information available to Waterkeeper indicates that the Crown Facility Owners and/or Operators conduct industrial activities related to scrap recycling, plastic pellet production, local trucking, truck terminal facilities, and hazardous waste storage and/or disposal at both the Main Site and the Auxiliary Site as a single industrial facility since at least June 2007. However, the Crown Facility Owners and/or Operators have failed to include the Auxiliary Site in the Crown Facility NOI, in violation of the Storm Water Permit. *See* Storm Water Permit, Provisions E(1); Attachment 3 (NOI Instructions), Provisions E(1–3). By failing to include the Auxiliary Site in the Crown Facility NOI, the Crown Facility Owners and/or Operators are in violation of the Storm Water Permit.

2. Failure to Include All Industrial Activities Conducted at the Crown Facility in the Crown Facility NOI

The Storm Water Permit allows facilities with co-located industrial activities to include those activities in the same NOI. Storm Water Permit, Provision E(7). However, the NOI must identify the title of the industrial activity that requires the Owner and/or Operator to submit the NOI. *See* Storm Water Permit, Attachment 3 (NOI Instructions), Section III, Parts D and E; Storm Water Permit, Provision E(7). Industrial facilities engaged in activities under SIC codes 4231 (trucking terminal facilities), 3089 (plastic pellet production), and 4953 (hazardous waste treatment, storage, and/or disposal) are required to file an NOI and obtain coverage under the Storm Water Permit. *See id* at Attachment 1. The Crown Facility's SWPPP and a Regional Board inspection report indicate that, since at least 2004, the Crown Facility Owners and/or Operators have been conducting activities at the facility subject to SIC codes 4231, 3089, and

4953, but the Crown Facility Owners and/or Operators failed to identify the associated SIC codes in the Crown Facility NOI. The Crown Facility NOI lists SIC code 4212 and 5093 as the only SIC codes applicable to the industrial activities conducted at the Crown Facility. Accordingly, by conducting activities subject to SIC codes 4231, 3089, and 4953, the Crown Facility Owners and/or Operators are in ongoing violation of the Storm Water Permit's NOI requirements.⁶

B. Discharges of Polluted Storm Water from the Crown Facility in Violation of Effluent Limitation B(3) of the Storm Water Permit

As explained below, the Crown Facility Owners and/or Operators have violated and continue to violate the Storm Water Permit's Effluent Limitation (B)(3). Effluent Limitation (B)(3) of the Storm Water Permit requires dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve best available technology economically achievable ("BAT") for toxic pollutants⁷ and best conventional pollutant control technology ("BCT") for conventional pollutants.⁸ Information available to Waterkeeper, including observations of the Facility's BMPs and inspection reports by the Regional Board, demonstrate that the Crown Facility Owners and/or Operators have failed and continue to fail to develop and/or implement BMPs at the Crown Facility that achieve compliance with the BAT/BCT standards.

Further, the Main Site's discharges have been consistently exceeding the EPA Benchmarks for numerous pollutants for over five years. Yet, the Crown Facility Owners and/or Operators have failed and continue to fail to fully implement even the most basic BMPs to reduce or prevent pollutants in the Crown Facility's storm water discharges. Those EPA Benchmarks are relevant and objective standards for evaluating whether a permittee's BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitation B(3) of the Storm Water Permit.⁹

As explained in detail below, Waterkeeper puts the Crown Facility Owners and/or Operators on notice that they violate Effluent Limitation B(3) of the Storm Water Permit every day they operate the Crown Facility without BMPs that achieve BAT/BCT. *See, e.g.,* Exhibit A (setting forth dates of discharges). The tables below set forth the results of sampling at the Crown Facility conducted by the Crown Facility Owners and/or Operators and Waterkeeper. Each sample result demonstrates violations of Effluent Limitation B(3) of the Storm Water Permit. These discharge violations are ongoing and will continue every day the Crown Facility Owners and/or Operators operate without developing and/or implementing BMPs that achieve

⁶ The Crown Facility Owners and/or Operators' failure to properly identify all industrial activities occurring at the Crown Facility has resulted in violations of the Storm Water Permit and the Clean Water Act described in Sections II.E.1 and II.G below.

⁷ Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

⁸ Conventional pollutants are listed at 40 C.F.R. § 401.16 and include BOD, TSS, O&G, pH, and fecal coliform.

⁹ *See United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) Authorization to Discharge Under the National Pollutant Discharge Elimination System*, as modified effective February 26, 2009 ("Multi-Sector Permit"), Fact Sheet at 106; *see also*, 65 Federal Register 64839 (2000).

compliance with the BAT/BCT standards. Waterkeeper will include additional violations as information and data become available.

Each day the Crown Facility Owners and/or Operators operate in violation of Effluent Limitation B(3) of the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The Crown Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since August 4, 2009.

1. Failure to Implement BMPs that Achieve Compliance with BAT/BCT Standards

The information available to Waterkeeper indicates that the Crown Facility Owners and/or Operators have failed and continue to fail to develop and/or implement BMPs at the Crown Facility that achieve compliance with the BAT/BCT standards. Specifically, at the Main Site, vehicle and equipment maintenance and cleaning is conducted outdoors; fuel and chemical containers are stored outdoors without containment; rusted spare parts and components are stored outdoors without containment cover or containment; piles of waste are stored outdoors without cover or containment; and the Crown Facility uses inadequate sediment and tracking controls to retain sediment on site. On March 14, 2013 and November 26, 2013, the Regional Board inspected the Main Site. The inspectors noted the Crown Facility Owners' and/or Operators' failure to fully implement the following basic BMPs at the Main Site:

- good housekeeping;
- preventative maintenance;
- overhead roofs or cover for industrial activities, waste materials, vehicles, and equipment;
- isolation of industrial activities and/or materials from rain;
- proper grading to divert runoff from pollution sources;
- spill and leak prevention and control measures for waste materials, vehicles, and equipment;
- spill prevention plan and team;
- proper containment of potential spill and leak areas;
- use of spill control materials;
- prompt cleanup of spill control materials;
- frequent inspections to identify spills and leaks;
- particulate tracking prevention;
- planting and maintenance of vegetation;
- sediment control devices;
- separate permit for non-storm water discharges;
- elimination of non-storm water discharge sources or containment non-storm water discharges; and

- collection and treatment of non-storm water discharge.¹⁰

Further, based on Waterkeeper's observations, the Crown Facility Owners and/or Operators have similarly failed to implement the following basic BMPs at the Auxiliary Site:

- overhead roofs or cover for industrial activities, waste materials, vehicles, and equipment;
- isolation of industrial activities and/or materials from rain;
- spill and leak prevention and control measures for waste materials, vehicles, and equipment;
- use of spill control materials;
- particulate tracking prevention; and
- sediment control devices.

2. Exceedances of EPA Benchmarks

Consistent with the Crown Facility's lack of BMPs, the analytical results of storm water sampling conducted by the Crown Facility Owners and/or Operators and Waterkeeper demonstrate that storm water discharges from the Crown Facility contain concentrations of pollutants above the EPA Benchmarks. Discharges are sampled at discharge site 1 (Pendleton Street), discharge site 2 (De Garmo Avenue), and discharge site 3 (Randall Street). The repeated and significant exceedances of EPA Benchmarks set out below further demonstrate that the Crown Facility Owners and/or Operators have failed and continue to fail to develop and/or implement BMPs at the Crown Facility as required to achieve compliance with the BAT/BCT standards.

Table 1: Crown Facility Sampling Data 2012-2013

Date of Sample	Sample Location	Constituent	EPA Benchmark ¹¹	Sample Value ¹²	Magnitude of Exceedance
10/12/2012	Site 1	TSS	100	246	2.46
10/12/2012	Site 2	SC	200	561	2.81
10/12/2012	Site 2	TSS	100	514	5.14
10/12/2012	Site 3	SC	200	428	2.14
10/12/2012	Site 3	TSS	100	438	4.38
5/06/2013	Site 1	SC	200	256	1.28
5/06/2013	Site 1	O&G	15	15.2	1.01

¹⁰ Industrial Storm Water Inspection Report, California Regional Water Quality Control Board – Los Angeles, March 14, 2013, 5, 9; Industrial Storm Water Inspection Report, California Regional Water Quality Control Board – Los Angeles, November 26, 2013, 4.

¹¹ See *United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) Authorization to Discharge Under the National Pollutant Discharge Elimination System*, as modified effective February 26, 2009 ("Multi-Sector Permit"), Fact Sheet at 106; see also, 65 Federal Register 64839 (2000).

¹² The measuring units used are as follows: TSS is in mg/L; SC is in umhos/sm; pH is in s.u.; and O&G is in mg/L.

5/06/2013	Site 1	TSS	100	119	1.19
5/06/2013	Site 2	SC	200	512	2.56
5/06/2013	Site 2	O&G	15	15.7	1.05
5/06/2013	Site 2	TSS	100	168	1.68
5/06/2013	Site 3	SC	200	736	3.68
5/06/2013	Site 3	TSS	100	220	2.2

Table 2: Crown Facility Sampling Data 2011-2012

Date of Sample	Sample Location	Constituent	EPA Benchmark	Sample Value	Multiple of Benchmark Value
1/23/2012	Site 1	TSS	100	106	1.06
1/23/2012	Site 2	TSS	100	104	1.04
1/23/2012	Site 3	TSS	100	250	2.5
1/23/2012	Site 3	SC	200	258	1.29
11/4/2011	Site 1	TSS	100	133	1.33
11/4/2011	Site 1	SC	200	480	2.40
11/4/2011	Site 2	TSS	100	190	1.90
11/4/2011	Site 2	SC	200	333	1.65
11/4/2011	Site 3	TSS	100	529	5.29
11/4/2011	Site 3	SC	200	933	4.65

Table 3: Crown Facility Sampling Data 2010-2011¹³

Date of Sample	Sample Location	Constituent	EPA Benchmark	Sample Value	Magnitude of Exceedance
10/19/2010	Site 1	SC	200	847	4.23
10/19/2010	Site 1	O&G	15	22.5	1.50
10/19/2010	Site 1	pH	6-9	3.22	NA
10/19/2010	Site 2	TSS	100	111	1.11
10/19/2010	Site 2	SC	200	542	2.71
10/19/2010	Site 2	O&G	15	18.4	1.23
10/19/2010	Site 3	TSS	100	190	1.90
10/19/2010	Site 3	SC	200	259	1.30

¹³ Although Crown Facility's data for its December 22, 2010 storm water discharge samples reported in its 2010-2011 Annual Report did not demonstrate any exceedances of EPA benchmarks, the monitoring methods used did not comply with the Storm Water Permit's requirements. See Crown Disposal, Inc., Annual Report 2010-2011. The Crown Facility Owners and/or Operators collected a storm water discharge sample at sites 1, 2, and 3 on December 22, 2010. Crown Disposal, Inc., Annual Report 2010-2011, Form 1-Sampling & Analysis Results, Side B. However, that December 22 sample did not arrive at the laboratory for analysis until May 2, 2011, over four months after the sample was collected. Crown Disposal, Inc., Annual Report 2010-2011, Attachment B, Lab Reports. The Permit requires that laboratory analyses be conducted according to test procedures under 40 C.F.R. Part 136. Storm Water Permit Section B(10)(b). All four parameters for which the lab analyzed the December 22 samples, must be analyzed within 28 days of collection, at the latest. 40 C.F.R. § 136.3, Table II. Therefore, only one set of samples, dated October 19, 2010, is relevant in determining the extent to which the Crown Facility Owners and/or Operators exceeded EPA benchmarks during the 2010-2011 wet season.

Table 4: Crown Facility Sampling Data 2009-2010

Date of Sample	Sample Location	Constituent	EPA Benchmark	Sample Value	Magnitude of Exceedance
01/19/2010	Site 1	TSS	100	330	3.30
01/19/2010	Site 1	pH	6-9	5.9	NA
01/19/2010	Site 2	TSS	100	800	8.00
01/19/2010	Site 3	TSS	100	452	4.52
01/19/2010	Site 1	O&G	15	17	1.13
10/13/2009	Site 1	TSS	100	103	1.03
10/13/2009	Site 2	TSS	100	259	2.59
10/13/2009	Site 3	TSS	100	228	2.28
10/13/2009	Site 1	SC	200	446	2.23
10/13/2009	Site 2	SC	200	715	3.57
10/13/2009	Site 3	SC	200	818	4.09
10/13/2009	Site 1	O&G	15	28	1.87
10/13/2009	Site 2	O&G	15	20	1.33
10/13/2009	Site 3	O&G	15	27	1.80

The above charts only list reported exceedances over the last five years. But, at least as early as 2000, the Crown Facility Owners and/or Operators have continuously discharged in exceedance of EPA Benchmarks, in some instances exceeding levels by a magnitude as high as almost 50. For example, its discharge on November 8, 2002 at site 3 was 4,990 for TSS (benchmark 100 mg/L) and 2,882 for SC (benchmark 200 umhos/sm).

Further, the Crown Facility Owners and/or Operators have failed to analyze the required parameters for some regulated activities occurring at the facility, represented by SIC Codes 4953 and 5093: iron, lead, aluminum, copper, zinc, chemical oxygen demand, magnesium, ammonia, arsenic, cadmium, cyanide, mercury, selenium, and silver. As demonstrated by Waterkeeper's sampling data below, the Crown Facility has discharged in exceedance of EPA Benchmarks for several of these constituents as well.

Table 5: Waterkeeper Sampling Data from 2013-2014¹⁴

Date of Sample	Sample Location ¹⁵	Constituent	EPA Benchmark ¹⁶	Sample Value ¹⁷	Magnitude of Exceedance
12/19/2013	Discharge Location 3	SC	200	4200	21
12/19/2013	Discharge Location 3	TSS	100	2500	25
12/19/2013	Discharge Location 3	SC	200	4200	21
12/19/2013	Discharge Location 3	TSS	100	2500	25
12/19/2013	Discharge Location 3	pH	6.0-9.0	9.77	NA
12/19/2013	Discharge Location 3	Iron	1	1.6 ¹⁸	1.6
12/19/2013	Discharge Location 3	Copper	.0123	.039 ¹⁹	3.17
12/19/2013	Discharge Location 3	Zinc	.11	.22 ²⁰	2
12/19/2013	Discharge Location 3	Magnesium	.064	47.5	742.19
2/28/2014	Discharge Location 6	SC	200	1300	6.5
2/28/2014	Discharge Location 6	O&G	15	39	2.6
2/28/2014	Discharge Location 6	TSS	100	250	2.5
2/28/2014	Discharge Location 6	Magnesium	.064	9.88	154.38
2/28/2014	Discharge Location 3	Aluminum	.75	30	40
2/28/2014	Discharge Location 3	Iron	1	47	47
2/28/2014	Discharge Location 3	Copper	.0123	.11	8.94
2/28/2014	Discharge Location 3	Lead	.069	.3	4.35
2/28/2014	Discharge Location 3	Zinc	.11	.82	7.45
2/28/2014	Discharge Location 3	Cadmium	.0018	.0055	3.06
2/28/2014	Discharge Location 3	Magnesium	.064	28.9	451.56

¹⁴ In addition to the sampling conducted by the Crown Facility Owners and/or Operators, Waterkeeper conducted sampling at the Crown Facility during qualifying storm events at Discharge Location No. 3 on December 19, 2013 and at Discharge Location Nos. 3 and 6 on February 28, 2014. The associated sampling data further demonstrate that storm water discharges from the facility contain concentrations of pollutants above the EPA Benchmarks and the Crown Facility Owners and/or Operators have failed and continue to fail to develop and/or implement required BMPs at the Crown Facility that achieve compliance with the BAT/BCT standards.

¹⁵ Section I.D.11.b., above, defines each discharge location. Discharge Location 3 describes the driveway leading to Randall Street, which is also referred to as "discharge site 3" by the Crown Facility Owners and/or Operators.

¹⁶ See *United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) Authorization to Discharge Under the National Pollutant Discharge Elimination System*, as modified effective February 26, 2009 ("Multi-Sector Permit"), Fact Sheet at 106; see also, 65 Federal Register 64839 (2000).

¹⁷ The measuring units used are as follows: SC is in umhos/sm; pH is in s.u.; and all others are in mg/L.

¹⁸ This sample value represents the level of dissolved iron, a subset of total iron. Therefore, the sample value exceeds the EPA benchmark for total iron.

¹⁹ This sample value represents the level of dissolved copper, a subset of total copper. Therefore, the sample value exceeds the EPA benchmark for total copper.

²⁰ This sample value represents the level of dissolved zinc, a subset of total zinc. Therefore, the sample value exceeds the EPA benchmark for total zinc.

C. Discharges of Polluted Storm Water from the Crown Facility in Violation of Receiving Water Limitations C(1) and C(2) of the Storm Water Permit

Receiving Water Limitation C(1) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges to surface water that adversely impact human health or the environment. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact human health or the environment constitute violations of Receiving Water Limitation C(1) of the Storm Water Permit and the Clean Water Act. Receiving Water Limitation C(2) of the Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable Water Quality Standard ("WQS").²¹ Discharges that contain pollutants in excess of an applicable WQS violate Receiving Water Limitation C(2) of the Storm Water Permit and the Clean Water Act.

Storm water sampling demonstrates that discharges from the Crown Facility contain elevated concentrations of pollutants such as copper, zinc, mercury, and magnesium, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Receiving Waters. The storm water sampling at the Crown Facility also demonstrates that discharges contain concentrations of pollutants that cause or contribute to an exceedance of the applicable WQSs. The table below sets forth the results of sampling conducted by Waterkeeper at the Crown Facility. Each sample result demonstrates violations of Receiving Water Limitation C(1) and/or Receiving Water Limitation C(2).

Table 6: Waterkeeper Sampling Data from 2013-2014

Sampling Demonstrating Exceedances of Water Quality Standards					
Date of Sample	Sample Location	Constituent²²	WQS Criteria²³	Sample Value²⁴	Magnitude of Exceedance
12/19/2013	Discharge Location 3	Copper	0.011	0.039	3.55
12/19/2013	Discharge Location 3	Zinc	0.097	0.220	2.27

²¹ WQSs include pollutant concentration levels determined by the State Board and the EPA to be protective of the Beneficial Uses of the receiving waters. Discharges above WQSs contribute to the impairment of the receiving waters' Beneficial Uses. Applicable WQSs include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR"). The Basin Plan also sets out additional applicable WQSs.

²² This table is referring to the dissolved form of these constituents, with the exception of E. coli.

²³ WQS criteria for this table are measured in units of mg/L, with the exception of E. coli which is measured in mpn/L. The Basin Plan provides the Los Angeles River's single sample target for E. coli density to protect human health related to water contact recreation. See Basin Plan, as amended by Resolution No. R10-007, July 9, 2010. The CTR provides criteria for copper, zinc, mercury, and magnesium. The CTR criteria for such "priority toxic pollutants" are set forth in 40 C.F.R. § 131.38. These criteria are expressed as dissolved metal concentrations in the CTR. The CTR criteria for each pollutant is based on a hardness of 80 mg/L for the Los Angeles River. See *Total Maximum Daily Loads for Metals, Los Angeles River and Tributaries*, California Regional Water Quality Control Board, Los Angeles Region, June 2, 2005 (stating that the median hardness of the Los Angeles River is 80 mg/L based upon Los Angeles County Department of Public Works data from Wardlow Station from 1996 to 2002).

²⁴ Sample results for this table are measured in units of mg/L, with the exception of E. coli, which is measured in units of mpn/L.

Sampling Demonstrating Exceedances of Water Quality Standards					
Date of Sample	Sample Location	Constituent ²²	WQS Criteria ²³	Sample Value ²⁴	Magnitude of Exceedance
12/19/2013	Discharge Location 3	Mercury	0.0014	0.11	78.57
12/19/2013	Discharge Location 3	Magnesium	0.064	17.5	273.44
12/19/2013	Discharge Location 3	E. coli	235	3,200,000	13,617.02
2/28/2014	Discharge Location 6	Magnesium	0.064	9.88	154.38
2/28/2014	Discharge Location 6	E. coli	235	46,000	195.74
2/28/2014	Discharge Location 3	Magnesium	0.064	12.3	192.19
2/28/2014	Discharge Location 3	E. coli	235	240,000	1,021.28

Waterkeeper puts the Crown Facility Owners and/or Operators on notice that Receiving Water Limitation C(1) and/or Receiving Water Limitation C(2) of the Storm Water Permit are violated each time polluted storm water discharges from the Crown Facility. *See, e.g.,* Exhibit A (setting forth dates of discharges). Information available to Waterkeeper indicates that these violations are ongoing and occur every time the Crown Facility Owners and/or Operators discharge storm water from the Crown Facility. Waterkeeper will update the dates of violation when additional information and data becomes available.

Each time discharges of storm water from the Crown Facility adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(1) of the Storm Water Permit and the Clean Water Act. Each time discharges of storm water from the Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(2) of the Storm Water Permit and the Clean Water Act. The Crown Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since August 4, 2009.

D. Discharges of Non-Storm Water from the Crown Facility in Violation of Discharge Prohibition A(1) and Section A(6)(v)

Except as authorized by Special Conditions D(1) of the Storm Water Permit, Discharge Prohibition A(1) of the Storm Water Permit prohibits permittees from discharging materials other than storm water (non-storm water discharges) either directly or indirectly to waters of the United States. Prohibited non-storm water discharges must be either eliminated or permitted by a separate NPDES permit. *See* Storm Water Permit, Discharge Prohibition A(1).

Information available to Waterkeeper indicates that fugitive dust, dirt, and/or debris discharges from the Main Site when Crown Facility Owners and/or Operators grind green/wood waste outdoors without adequate cover or containment. Without adequate cover and containment, that dust, dirt, and/or debris is indirectly deposited into Receiving Waters via storm drains. Additionally, information available to Waterkeeper indicates that debris and waste are tracked off the Main Site via driveways. Further, information available to Waterkeeper also indicates that non-storm water is sprayed over construction refuse for purposes of dust control and then discharged directly onto city streets via the Main Site's Randall Street driveway. For instance, non-storm water discharges have been documented at the Main Site on June 19, 2012,

March 14, 2013, and November 26, 2013. Thus, the information available to Waterkeeper indicates that prohibited non-storm water discharges from Main Site outfalls into the receiving waters in violation of Discharge Prohibition A(1) when Crown Facility Owners and/or Operators grind waste materials outdoors, track debris and waste off the facility, and/or spray non-storm water over construction refuse.

Waterkeeper puts the Crown Facility Owners and/or Operators on notice that they violate the Discharge Prohibition A(1) of the Storm Water Permit each time they discharge materials other than storm water during these grinding and spraying activities and as a result of materials being tracked off the facility by trucks. Each time the Crown Facility Owners and/or Operators discharge prohibited non-storm water discharges in violation of Discharge Prohibition A(1) of the Storm Water Permit is a separate and distinct violation of the Storm Water Permit and Clean Water Act. These violations are ongoing and will continue each time the Crown Facility Owners and/or Operators discharge prohibited non-storm water discharges to the Receiving Waters from the Crown Facility. The Crown Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since August 4, 2009.

E. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program

Section B(1) and Provision E(3) of the Storm Water Permit require facility operators to develop and implement an adequate Monitoring and Reporting Program (“M&RP”) by October 1, 1992, or when industrial activities begin at a facility, that meets all of the requirements of the Storm Water Permit. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility’s discharge to ensure compliance with the Storm Water Permit’s Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* Storm Water Permit, Section B(2). An adequate M&RP therefore ensures that BMPs are effectively reducing and/or eliminating pollutants at the facility, and is evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *See id.*

Waterkeeper’s observations of the conditions at the Crown Facility and the Annual Reports submitted by the Crown Facility Owners and/or Operators to the Regional Board demonstrate that the Crown Facility Owners and/or Operators have not developed, revised, and/or implemented an adequate M&RP that meets the requirements of the Storm Water Permit. Specific failures of the Crown Facility Owners’ and/or Operators’ M&RP are described below.

Every day the Crown Facility Owners and/or Operators, conduct operations in violation of the monitoring and reporting requirements of the Storm Water Permit and/or with an inadequately developed, implemented, and/or revised M&RP is a separate and distinct violation of the Storm Water Permit. The Crown Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since August 4, 2009.

1. Failure to Analyze Storm Water Samples for All Pollutants Required by the Permit

Section B(5)(a) of the Storm Water Permit requires permittees to collect at least two storm water samples each wet season from every storm water discharge location. Section B(5)(c) of the Storm Water Permit further requires all permittees to analyze their storm water samples for TSS, pH, specific conductance, and total organic carbon ("TOC") or O&G. In addition, covered facilities shall analyze storm water samples for other analytical parameters. *See* Storm Water Permit, Section B(5)(c)(iii) (storm water samples shall be analyzed for parameters listed in Table D, dependent on the applicable SIC code).

The Crown Facility's Annual Reports contain sampling data for pH, TSS, SC and O&G, as required of facilities classified under SIC code 4212. However, in addition to SIC code 4212, the Crown Facility NOI identifies SIC code 5093 (Processing, Reclaiming, and Wholesale Distribution of Scrap and Waste Materials) and the Crown Facility SWPPP lists auxiliary SIC codes 4953 (Hazardous Waste Treatment Storage or Disposal), 4959 (Sanitary Services), and 4231 (Trucking Terminal Facilities). The Permit requires facilities conducting industrial activities associated with SIC codes 5093 and 4953 to analyze parameters in addition to pH, TSS, SC, and O&G. *See* Section B(5)(c)(iii); Table D. The required analytical parameters associated with SIC code 5093 are Iron, Lead, Aluminum, Copper, Zinc, and Chemical Oxygen Demand. Storm Water Permit, Table D. The required analytical parameters associated with SIC code 4953 are Ammonia, Magnesium, Chemical Oxygen Demand, Arsenic, Cadmium, Cyanide, Lead, Mercury, Selenium, and Silver. *Id.* The Crown Facility Owners' and/or Operators' M&RP does not include provisions to ensure storm water samples are analyzed for these additional parameters, nor do they analyze for these parameters. The Crown Facility Owners' and/or Operators' were on notice of this critical deficiency of the M&RP since at least March 2013 when the Regional Board identified the violation in its Industrial Inspection Report. Industrial Storm Water Inspection Report, California Regional Water Quality Control Board – Los Angeles, March 14, 2013, 8–9. These failures result in violations of the Storm Water Permit's monitoring and reporting requirements.

Waterkeeper puts the Crown Facility Owners and/or Operators on notice that they violate Section B(5) of the Storm Water Permit every day they operate without developing, implementing, and/or revising an M&RP that provides for sampling and analysis of all required analytical parameters listed in Table D of the Permit. Sections B(5)(c). These violations are ongoing and will continue every day the Crown Facility Owners and/or Operators operate without developing, implementing, and/or revising an M&RP that provides for sampling and analysis in accordance with Section B(5). Waterkeeper will include additional violations as information and data become available.

2. Failure to Sample Storm Water Discharges As Required by the Permit

The Storm Water Permit requires permittees to collect storm water discharge samples from all discharge locations during the first hour of discharge from (1) the first storm event of the wet season and (2) at least one other storm event in the wet season. Section B(5)(a). The two

samples are required so long as the discharges occur during scheduled facility operating hours²⁵ and are preceded by at least three working days without storm water discharges. Storm Water Permit, Section B(5)(b). The Crown Facility Owners and/or Operators have consistently failed to collect the required storm water samples in violation of the Storm Water Permit's M&RP requirements.

Critically, the Crown Facility Owners and/or Operators have only conducted sampling at three discharge locations at the Main Site and have never sampled at four of the Main Site's discharge points along its boundaries with Pendleton Street and De Garmo Avenue (Discharge Location Nos. 4-7). Further, the Crown Facility Owners and/or Operators failed to conduct any sampling of storm water discharges at the Auxiliary Site's three discharge locations. Therefore, the Crown Facility Owners and/or Operators have been in continuous violation of the Storm Water Permit's M&RP requirements for failing to sample at all discharge locations.

Additionally, the Crown Facility Owners and/or Operators failed to collect storm water samples during the first hour of discharge from the first storm event of the wet season, in violation of Storm Water Permit Section B(5), for the 2010-2011 and 2011-2012 wet seasons. In addition, during the 2009-2010, 2010-2011, and 2012-2013 wet seasons, the Crown Facility Owners and/or Operators failed to collect storm water samples during the first hour of discharge from a second storm event, in violation of Section B(5).

In the 2009-2010 wet season the Crown Facility Owners and/or Operators failed to sample as required by the Storm Water Permit. The Crown Facility Owners and/or Operators collected storm water samples on October 13, 2009 and January 19, 2010. *See* Crown Disposal, Inc., 2009-2010 Annual Report. However, they failed to sample during the first hour of storm water discharge on January 19, 2010. The samples were collected at Discharge Location Nos. 1, 2, and 3 at 11:00, 11:15, and 11:30, respectively, but the reported discharge start time was 10:00. Crown Disposal, Inc. 2009-2010 Annual Report, Form 1-Sampling & Analysis Results, Side A. The Crown Facility Owners and/or Operators violated Section B(5)(a) of the Storm Water Permit by failing to collect the 2009-2010 samples during the first hour of discharge from at least one storm event after the first event of the wet season.

Again, in the 2010-2011 wet season, the Crown Facility Owners and/or Operators did not collect the required storm water discharge samples. The Crown Facility's 2010-2011 Annual Report only includes sampling data from October 19, 2010 and December 22, 2010. Therefore, the Crown Facility Owners and/or Operators did not sample storm water discharges during the first storm event of the season on October 4, 2010. *See* Exhibit A. The explanation provided by the Crown Facility Owners and/or Operators for their failure to sample was that "there was not enough of a runoff to procure a sample." Crown Disposal, Inc., 2010-2011 Annual Report, Attachment A, Explanation to Section E, Question 2. However, the storm event on October 4, 2010 produced a daily rainfall total of .14 inches. *See* Exhibit A. If that event did not produce a discharge, the Crown Facility Owners and/or Operators were required to sample during the storm event on October 6, 2010 which produced a daily rainfall total of .53 inches. *See* Exhibit A.

²⁵ Information available to Waterkeeper indicates that the Crown Facility operates 24 hours a days, 7 days a week.

Thus, the Crown Facility Owners and/or Operators violated Section B(5)(a) of the Storm Water Permit by failing to collect the storm water discharge samples during the first storm event of the 2010-2011 wet season. In addition, neither of the two samples that the Crown Facility Owners and/or Operators collected during the October 19 and December 22 storm events were collected during the first hour of discharge. *See* Crown Disposal, Inc., 2010-2011 Annual Report. The earliest of the October 19 samples was collected at 16:50, but the reported discharge start time was 12:00. Crown Disposal, Inc. 2010-2011 Annual Report, Form 1-Sampling & Analysis Results, Side A. The earliest of the December 22 samples was collected at 9:05, despite the discharge starting at 1:00. Crown Disposal, Inc. 2010-2011 Annual Report, Form 1-Sampling & Analysis Results, Side B. Also, as discussed above, the December 22 sample did not arrive at the laboratory for analysis until May 2, 2011, over four months after the sample was collected. Crown Disposal, Inc., Annual Report 2010-2011, Attachment B, Lab Reports. The Permit requires that laboratory analyses be conducted according to test procedures under 40 C.F.R. Part 136. Storm Water Permit Section B(10)(b). All four parameters for which the lab analyzed the December 22 samples, must be analyzed within 28 days of collection, at the latest, in order to comply with the required test procedures. 40 C.F.R. § 136.3, Table II. Thus, the December 22 samples do not qualify as a storm water discharge sample for purposes of complying with Section B(5)(a). Therefore, neither of the above samples was collected as required by Section B(5)(a) of the Storm Water Permit. Consequently, the Crown Facility Owners and/or Operators violated Section B(5) of the Permit by failing to collect samples during the first hour of discharge from (1) the first storm event of the wet season and (2) at least one other storm event in the wet season.

Yet again, in the 2011-2012 wet season, the Crown Facility Owners and/or Operators did not collect the required storm water discharge samples. The Crown Facility's 2011-2012 Annual Report includes sampling data from November 4, 2011 and January 23, 2012. The Crown Facility Owners and/or Operators claimed in their Annual Report that they collected storm water samples from the first storm event of the wet season that produced a discharge. Crown Disposal, Inc. 2011-2012 Annual Report, Question E.2. However, an earlier storm event, on October 5, 2011, produced a daily rainfall total of .68 inches. *See* Exhibit A. Therefore, the Crown Facility Owners and/or Operators violated Section B(5)(a) of the Storm Water Permit by failing to collect the storm water discharge samples during this first storm event of the 2011-2012 wet season.

Once more, in the 2012-2013 wet season, the Crown Facility Owners and/or Operators did not collect the required storm water discharge samples. The Crown Facility's 2012-2013 Annual Report includes sampling data from October 11, 2012 and May 6, 2013. The reported sampling time for May 6, 2013 was 00:00, while the reported discharge start time was 7:00. Crown Disposal, Inc. 2011-2012 Annual Report, Form 1-Sampling & Analysis Results. Therefore, based on information available to Waterkeeper, the Crown Facility Owners and/or Operators violated Section B(5)(a) of the Storm Water Permit by failing to collect the 2012-2013 samples during the first hour of discharge from at least one other storm event after the first event of the wet season.

Waterkeeper puts the Crown Facility Owners and/or Operators on notice that they violate Section B(5) of the Storm Water Permit every day they operate without developing,

implementing, and/or revising an M&RP that ensures the collection of storm water discharge samples from all discharge locations during the first hour of discharge from (1) the first storm event of the wet season and (2) at least one other storm event in the wet season. Sections B(5)(a). These violations are ongoing and will continue every day the Crown Facility Owners and/or Operators operate without developing, implementing, and/or revising an M&RP that provides for sampling and analysis in accordance with Section B(5). Waterkeeper will include additional violations as information and data become available.

3. Failure to Conduct Visual Observations As Required by the Permit

Section B(4) of the Storm Water Permit requires dischargers to conduct visual observations of storm water discharges at all discharge locations within the first hour of discharge from one storm event per month during the wet season (defined as October 1-May 30). The Permit further requires dischargers to document the presence of any floating and suspended material, O&G, discolorations, turbidity, odor and the source of any pollutants. Section B(4)(c). Dischargers must document and maintain records of observations, observation dates, locations observed, and responses taken to reduce or prevent pollutants in storm water discharges. Storm Water Permit, Section B(4)(c).

Based on information available to Waterkeeper, the Main Site has at least seven discharge points. However, the Crown Facility Owners and/or Operators never conducted visual monitoring at two of the discharge locations at Pendleton Street (Discharge Location Nos. 4, 6) and two of the discharge locations at De Garmo Avenue (Discharge Location Nos. 5, 7). Further, the Crown Facility Owners and/or Operators failed to conduct any visual monitoring at the Auxiliary Site's three discharge locations. Therefore, the Crown Facility Owners and/or Operators have been in continuous violation of the Storm Water Permit's M&RP requirement to conduct visual observations at all discharge locations. Storm Water Permit, Section B(4)(a).

Additionally, information available to Waterkeeper indicates the Crown Facility Owners and/or Operators failed to properly conduct and/or document the required visual observations of storm water discharges within the first hour of discharge from one qualifying storm event per month during the 2009-2010, 2010-2011, 2011-2012, and 2012-2013 wet seasons. The Crown Facility Owners and/or Operators also failed to properly document and maintain records of observations and/or responses taken to reduce or prevent pollutants in storm water discharges during the 2011-2012 and 2012-2013 wet seasons. Furthermore, information available to Waterkeeper indicates the Owners and/or Operators claimed and documented that they made visual observations on days that had no rainfall. Thus, the Crown Facility Owners and/or Operators have violated Section B(4) of the Storm Water Permit.

In the 2009-2010 wet season, the Crown Facility Owners and/or Operators failed to conduct visual observations at all discharge locations during the first hour of discharge from one qualifying storm event in December 2009 and January 2010. On December 7, 2009, the Crown Facility Owners and/or Operators conducted visual observations at sites 1, 2, and 3 at 8:00, 8:15, and 8:30, respectively, despite the reported discharge start time of 5:00. Crown Disposal, Inc., Annual Report 2009-2010, Form 4-Monthly Visual Observations of Storm Water Discharges,

Side A. Again, on January 19, 2010, the Owners and/or Operators conducted visual observations at sites 2 and 3 at 11:15 and 11:30, respectively, despite the reported discharge start time of 10:00. *Id.*

In the 2010-2011 wet season, the Crown Facility Owners and/or Operators failed to conduct visual observations at all discharge locations during the first hour of discharge from one qualifying storm event in October 2010 and December 2010. On October 18, 2010, the Crown Facility Owners and/or Operators conducted visual observations at sites 2 and 3 at 8:15 and 8:30, respectively, despite the reported discharge start time of 7:00. Crown Disposal, Inc., Annual Report 2010-2011, Form 4-Monthly Visual Observations of Storm Water Discharges, Side A. On December 20, 2010, the Owners and/or Operators conducted visual observations at sites 1, 2, and 3 at 16:45, 17:00, and 17:15, respectively, stating that the discharge start time was 16:00. *Id.* However, information available to Waterkeeper indicates that, in fact, approximately .88 inches of rainfall had already occurred at the Crown Facility between the hours of 8:00-15:00 on December 20, 2010. *See Exhibit B.* Therefore, the Owners and/or Operators failed to conduct visual observations during the first hour of discharge from the December 2010 storm event.

In the 2011-2012 wet season, the Crown Facility Owners and/or Operators failed to conduct visual observations at all discharge locations during the first hour of discharge from one qualifying storm event in October 2011, January 2012, and March 2012. In October 2011, the Crown Owners and/or Operators failed to conduct visual observations at any of the discharge locations, stating that there were no eligible storm water events for the month. Crown Disposal, Inc., Annual Report 2011-2012, Explanation for Question G.1. However, information available to Waterkeeper indicates that there was at least one storm event, on October 5, 2011, which produced a daily rainfall total of approximately .68 inches at the Crown Facility. *See Exhibit A.* Also, on January 21, 2012, the Crown Facility Owners and/or Operators conducted visual observations at sites 1, 2, and 3 at 11:15, 11:25, and 11:35, respectively, stating that the discharge start time was 11:00. Crown Disposal, Inc., Annual Report 2011-2012, Form 4-Monthly Visual Observations of Storm Water Discharges. However, information available to Waterkeeper indicates that, in fact, approximately .45 inches of rainfall had already occurred at the Crown Facility between the hours of 3:00-9:00. *See Exhibit B.* Therefore, the Owners and/or Operators failed to conduct visual observations during the first hour of discharge from the January 2012 storm event. Again, on March 17, 2012, the Owners and/or Operators conducted visual observations at sites 1, 2, and 3 at 11:15, 11:20, and 11:30, respectively, stating that the discharge start time was 11:00. Crown Disposal, Inc., Annual Report 2011-2012, Form 4-Monthly Visual Observations of Storm Water Discharges. However, information available to Waterkeeper indicates that, in fact, approximately .57 inches of rainfall had already occurred at the Crown Facility between the hours of 4:00-10:00. *See Exhibit B.* Therefore, the Owners and/or Operators again failed to conduct visual observations during the first hour of discharge from the March 2012 storm event.

Also in the 2011-2012 wet season, the Crown Facility Owners and/or Operators failed to properly document and maintain records of observations and/or responses taken to reduce or prevent pollutants in storm water discharges. On November 4, 2011, the Owners and/or Operators observed pollutants in storm water discharges at site 2. Crown Disposal, Inc., Annual

Report 2011-2012, Form 4-Monthly Visual Observations of Storm Water Discharges. However, the Owners and/or Operators failed to document any description of the pollutants or the source of the pollutants. *Id.* Further, the Owners and/or Operators failed to document any response taken to reduce or prevent pollutants in storm water discharges. *Id.* Therefore, the Owners and/or Operators violated Section B(4)(c) of the Storm Water Permit.

In the 2012-2013 wet season, the Crown Facility Owners and/or Operators failed to conduct visual observations at all discharge locations during the first hour of discharge from one qualifying storm event in each December 2012, January 2013, and March 2013. On December 13, 2012, the Crown Facility Owners and/or Operators conducted visual observations at sites 1, 2, and 3 at 8:30, 8:40, and 8:50, respectively. Crown Disposal, Inc., Annual Report 2012-2013, Form 4-Monthly Visual Observations of Storm Water Discharges. However, the discharge start time was 21:00 (11.5 hours before the first visual observation). *Id.* On January 24, 2013, the Crown Facility Owners and/or Operators conducted visual observations at sites 1, 2, and 3 at 8:30, 8:40, and 8:50, respectively, stating that the discharge start time was 22:00 (10.5 hours before the first visual observation). *Id.* Yet again, on March 7, 2013, the Owners and/or Operators conducted visual observations at sites 1, 2, and 3 at 8:30, 8:40, and 8:50, respectively, stating that the discharge start time was 3:00 (5.5 hours before the first visual observation). *Id.* Therefore, the Owners and/or Operators failed to conduct visual observations during the first hour of discharge from the December 2012, January 2013, and March 2013 storm events.

Also in the 2012-2013 wet season, the Crown Facility Owners and/or Operators failed to properly document and maintain records of responses taken to reduce or prevent pollutants in storm water discharges. On October 11, 2012, the Owners and/or Operators observed pollutants in storm water discharges at sites 1, 2, and 3. Crown Disposal, Inc., Annual Report 2012-2013, Form 4-Monthly Visual Observations of Storm Water Discharges. They documented the discharge as "muddy water" and the source of pollutants as "truck tires." *Id.* However, the Owners and/or Operators failed to document any response taken to reduce or prevent pollutants in storm water discharges. *Id.* Therefore, the Owners and/or Operators violated Section B(4)(c) of the Storm Water Permit.

In addition to the above violations of Section B(4), on five separate occasions spanning across the 2009-2010, 2010-2011, 2011-2012, and 2012-2013 wet seasons, the Crown Facility Owners and/or Operators claimed to make visual observations of storm water discharges on dates on which information available to Waterkeeper indicates that there was in fact no rainfall: April 22, 2010, November 19, 2010, May 16, 2011, May 1, 2012, and April 16, 2013. *See* Crown Disposal, Inc., Annual Reports 2009-2010, 2010-2011, 2011-2012, and 2012-2013; Exhibit B. In addition to the above five dates, based on information available to Waterkeeper, the only rainfall on April 10, 2012 occurred between the hours of 23:00-24:00. *See* Exhibit B. However, the Crown Facility Owners and/or Operators stated that a storm water discharge started at 12:00 and that they conducted visual observations of discharges at site 1, 2, and 3 at 12:15, 12:25, and 12:35, respectively. Crown Disposal, Inc., Annual Report 2011-2012, Form 4-Monthly Visual Observations of Storm Water Discharges.

Waterkeeper puts the Crown Facility Owners and/or Operators on notice that they violate Section B(4) of the Storm Water Permit every day they operate the Crown Facility without developing, implementing, and/or revising an M&RP that provides for visual observations of storm water discharges from all discharge locations during the first hour of discharge from at least one storm event per month during the wet season. Sections B(4)(a). These violations are ongoing and will continue every day the Crown Facility Owners and/or Operators operate without developing, implementing, and/or revising an M&RP that ensures visual observations are conducted in accordance with Section B(4). Waterkeeper will include additional violations as information and data become available.

F. Failure to Comply with the Storm Water Permit's Reporting Requirements

Section B(14) of the Storm Water Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. The Storm Water Permit, in relevant part, requires that the Annual Report include the following: 1) a summary of visual observations and sampling results; 2) an evaluation of the visual observation and sampling and analysis results and the laboratory reports; 3) the Annual Comprehensive Site Compliance Evaluation Report; and 4) an explanation of why the facility did not implement any activities required by the Permit. Section B(14). As part of the Annual Comprehensive Site Compliance Evaluation, which must be included in the Annual Report, the facility operator shall review and evaluate all of the BMPs to determine whether they are adequate or whether SWPPP revisions are needed. *See* Storm Water Permit Section A(9). The Annual Report shall be signed and certified by a duly authorized representative, under penalty of law that the information submitted is true, accurate, and complete to the best of their knowledge. *See* Storm Water Permit, Sections B(14), C(9), and C(10).

Since at least August 4, 2009 the Crown Facility Owners and/or Operators have failed to submit Annual Reports that comply with the Storm Water Permit reporting requirements. For example, Crown Facility Owners and/or Operators certify in their four most recent Annual Reports that: (1) a complete Annual Comprehensive Site Compliance Evaluation was done pursuant to Section A(9) of the Storm Water Permit; (2) the SWPPP's BMPs address existing potential pollutant sources; and (3) the SWPPP complies with the Storm Water Permit, or will otherwise be revised to achieve compliance. *See* Crown Disposal, Inc., Annual Reports 2009-2010, 2010-2011, 2011-2012, and 2012-2013. However, information available to Waterkeeper, including a review of the Regional Board's files and the Crown Facility storm water sampling data, indicates that the Crown Facility Owners' and/or Operators' certifications are erroneous. The Crown Facility Owners and/or Operators have not included an inspection and evaluation of the Auxiliary Site in any of their Annual Comprehensive Site Compliance Evaluations, developed and/or implemented required BMPs at the Crown Facility, or made any revisions to the Crown Facility SWPPP since February 26, 2004. These failures result in the ongoing discharge of storm water containing pollutant levels in violation of the Storm Water Permit limitations, and the ongoing discharge of prohibited non-storm water discharges. Indeed, in the Crown Facility's 2011-2012 and 2012-2013 Annual Reports, the Owners and/or Operators failed to submit an Annual Comprehensive Site Compliance Evaluation Report as required by Section B(14). *See* Crown Disposal, Inc., Annual Report 2011-2012 and Annual Report 2012-2013.

The Crown Facility Owners and/or Operators also failed and continue to fail to provide the explanations in the Annual Reports for non-compliance with the Storm Water Permit's terms. *See* Crown Disposal, Inc., Annual Reports 2009-2010, 2010-2011, 2011-2012, and 2012-2013. For instance, the Crown Facility Owners and/or Operators fail to explain in their Annual Reports why discharges from the Crown Facility have not been analyzed for all of the parameters set out in Table D of the Storm Water Permit applicable to SIC codes 5093 and 4953, as is required by Section B(5)(c)(iii) of the Storm Water Permit. Also, the Crown Facility Owners and/or Operators fail to explain why they did not conduct sampling and visual observations at Discharge Location Nos. 1, 2, and 3 on several occasions described in detail in sections II.E.2 and II.E.3 above. Further, the Crown Facility Owners and/or Operators fail to explain why they did not conduct sampling or visual observations at Discharge Location Nos. 4, 5, 6, and 7 or any of the discharge points at the Auxiliary Site, as is required by Sections B(4)(a) and B(5)(a).

Waterkeeper puts the Crown Facility Owners and/or Operators on notice that they violate Section B(14) of the Storm Water Permit every day they operate the Crown Facility without developing, implementing, and/or revising an M&RP that provides for the submission of Annual Reports that comply with the Storm Water Permit reporting requirements. These violations are ongoing and will continue every day the Crown Facility Owners and/or Operators operate without developing, implementing, and/or revising an M&RP that provides for the submission of Annual Reports in accordance with Section B(14).

Every day the Crown Facility Owners and/or Operators operate the Crown Facility without an adequate M&RP as required by the Storm Water Permit is a separate and distinct violation of the Storm Water Permit. The Crown Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least August 4, 2009. These violations are ongoing. The Crown Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since August 4, 2009.

G. Failure to Develop, Implement and/or Revise an Adequate Storm Water Pollution Prevention Plan

Section A(1) and Provision E(2) of the Storm Water Permit requires dischargers to have developed and implemented a SWPPP by October 1, 1992, or prior to beginning industrial activities, that meets all of the requirements of the Storm Water Permit. The objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges from the Crown Facility, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. Storm Water Permit, Section A(2). To ensure compliance with the Storm Water Permit, the SWPPP must be evaluated on an annual basis pursuant to the requirements of Section A(9). The SWPPP must also be revised as necessary to ensure compliance with the Storm Water Permit. *Id.*, Sections A(9) and A(10).

Sections A(3) – A(10) of the Storm Water Permit set forth the requirements for a SWPPP. Among other things, the SWPPP must include: a site map showing the facility boundaries, storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system(s), structural control measures, areas of actual and potential pollutant contact, and areas of industrial activity (*see* Section A(4)); a list of significant materials handled and stored at the site (*see* Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities; a description of significant spills and leaks, a list of all non-storm water discharges and their sources; and a description of locations where soil erosion may occur (*see* Section A(6)). Sections A(7) and A(8) require an assessment of potential pollutant sources at the facility and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective.

Information available to Waterkeeper indicates that the Crown Facility Owners and/or Operators have been conducting and continue to conduct operations at the Crown Facility with an inadequately developed, implemented, and/or revised SWPPP. First, based on information available to Waterkeeper, the SWPPP for the Crown Facility entirely fails to include a site map. Second, the SWPPP fails to include the Auxiliary Site. Third, the SWPPP fails to identify pollution prevention team responsibilities. Fourth, information available to Waterkeeper indicates that the SWPPP on site is not certified and signed, in violation of General Permit Sections C(9) and (10).

Finally, the Crown Facility Owners and/or Operators have failed and continue to fail to develop and/or implement a SWPPP that contains adequate BMPs to prevent the exposure of pollutant sources to storm water and adequate BMPs to prevent the subsequent discharge of polluted storm water from the Crown Facility. Further the Crown Facility Owners and/or Operators have failed and continue to fail to revise or evaluate the SWPPP as necessary to develop and implement adequate BMPs. For example, Waterkeeper's review of Regional Board documents indicates that the Crown Facility Owners' and/or Operators' most recent SWPPP is dated February 26, 2004. However, since February 2004, polluted storm water has discharged from the Crown Facility on dozens of occasions and unauthorized non-storm water continues to discharge from the Crown Facility, as documented in sections II.B.2 and II.D above, respectively. These discharges evidence that the Crown Facility Owners and/or Operators have inadequately developed and/or implemented BMPs at the Crown Facility. Crown Facility Owners' and/or Operators' Annual Comprehensive Site Compliance Evaluations have also put the Crown Facility Owners and/or Operators on notice that existing BMPs established under the current SWPPP have failed to prevent storm water exposure to pollutants and eliminate or prevent non-storm water discharges.

Waterkeeper puts the Crown Facility Owners and/or Operators on notice that they violate Provision E.2, Section A, and Sections C(9) and (10) of the Storm Water Permit every day they operate with an inadequately developed, implemented, and/or revised SWPPP. Every day the Crown Facility Owners and/or Operators operate the Crown Facility with an inadequately developed, implemented, and/or revised SWPPP is a separate and distinct violation of the Storm

Water Permit. The Crown Facility Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's SWPPP requirements since at least August 4, 2009. These violations are ongoing, and Waterkeeper will include additional violations when additional information and data become available. The Crown Facility Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since August 4, 2009.

H. Relief and Penalties Sought for Violations of the Clean Water Act

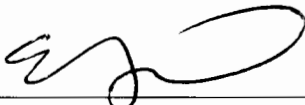
Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five years prior to the date of a notice of intent to file suit letter. These provisions of law authorize civil penalties of up to \$37,500 per day per violation for all Clean Water Act violations after January 12, 2009. In addition to civil penalties, Waterkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), declaratory relief, and such other relief as permitted by law. Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), Waterkeeper will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

III. Conclusion

Upon expiration of the 60-day notice period, Waterkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for the Crown Facility Owners' and/or Operators' violations of the Storm Water Permit. During the 60-day notice period, however, Waterkeeper is willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions please contact Waterkeeper. Please direct all communications to Waterkeeper's legal counsel:

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Sincerely,



Liz Crosson
Executive Director
Los Angeles Waterkeeper

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Los Angeles Waterkeeper Notice of Violations and Intent to File Suit - Exhibit A

Days With Significant Rain Events (Rain Fall Above .1 inches)

July 2009 - July 2014
(462-Tujunga S.G. Rain Gage)

Date	Rainfall (in.)
10/13/09	0.63
10/14/09	0.39
12/7/09	0.83
12/10/09	0.37
12/11/09	0.54
12/12/09	0.72
12/13/09	0.24
12/30/09	0.12
1/13/10	0.15
1/17/10	0.48
1/18/10	1.58
1/19/10	0.76
1/20/10	1.52
1/21/10	0.92
1/22/10	0.57
2/5/10	0.36
2/6/10	1.85
2/9/10	0.34
2/19/10	0.24
2/27/10	1.19
3/3/10	0.17
3/6/10	0.78
4/5/10	0.6
4/11/10	0.54
4/12/10	0.12
4/20/10	0.14
10/4/10	0.14
10/6/10	0.53
10/18/10	0.13
10/19/10	0.17
10/24/10	0.11
10/30/10	0.48
11/8/10	0.34
11/20/10	0.5
11/21/10	0.48

Date	Rainfall (in.)
12/5/10	0.47
12/18/10	1.57
12/19/10	1.22
12/20/10	1.35
12/21/10	0.64
12/22/10	1.64
12/25/10	0.49
12/26/10	0.25
12/29/10	0.61
1/2/11	0.5
1/3/11	0.11
2/16/11	0.69
2/18/11	0.97
2/19/11	0.3
2/25/11	1.1
2/26/11	0.2
3/19/11	0.25
3/20/11	5
3/21/11	0.22
3/23/11	0.38
3/24/11	0.12
3/25/11	0.45
3/27/11	0.13
5/17/11	0.22
5/18/11	0.21
10/5/11	0.68
11/4/11	0.32
11/6/11	0.41
11/12/11	0.24
11/20/11	0.99
12/12/11	0.93
1/21/12	0.45
1/23/12	0.62
3/17/12	0.77
3/25/12	1.16

Date	Rainfall (in.)
4/10/12	0.14
4/11/12	0.77
4/13/12	1.14
4/25/12	0.13
10/11/12	0.11
11/17/12	0.39
11/29/12	0.11
11/30/12	0.12
12/2/12	0.14
12/18/12	0.31
12/24/12	0.7
12/26/12	0.24
12/29/12	0.17
1/24/13	0.76
1/25/13	0.11
1/27/13	0.24
2/19/13	0.26
3/8/13	0.75
5/6/13	0.42
10/9/13	0.11
11/21/13	0.13
11/29/13	0.2
12/19/13	0.35
2/6/14	0.13
2/26/14	0.18
2/27/14	0.16
2/28/14	2.63
3/1/14	0.71
4/1/14	0.18

Los Angeles Waterkeeper Notice of Violations and Intent to File Suit - Exhibit B
Hourly Rain Data Inconsistent with the Crown Facility's Reporting
July 2009 - July 2014
(462-Tujunga S.G. Rain Gage)

April 22, 2010 - Hourly Rain Data

Hour (Ending Time)	Rainfall (in inches)
0:00:00	0.00
1:00:00	0.00
2:00:00	0.00
3:00:00	0.00
4:00:00	0.00
5:00:00	0.00
6:00:00	0.00
7:00:00	0.00
8:00:00	0.00
9:00:00	0.00
10:00:00	0.00
11:00:00	0.00
12:00:00	0.00
13:00:00	0.00
14:00:00	0.00
15:00:00	0.00
16:00:00	0.00
17:00:00	0.00
18:00:00	0.00
19:00:00	0.00
20:00:00	0.00
21:00:00	0.00
22:00:00	0.00
23:00:00	0.00
0:00:00	0.00

November 19, 2010 - Hourly Rain Data

Hour (Ending Time)	Rainfall (in inches)
0:00:00	0.00
1:00:00	0.00
2:00:00	0.00
3:00:00	0.00
4:00:00	0.00
5:00:00	0.00
6:00:00	0.00
7:00:00	0.00
8:00:00	0.00
9:00:00	0.00
10:00:00	0.00
11:00:00	0.00
12:00:00	0.00
13:00:00	0.00
14:00:00	0.00
15:00:00	0.00
16:00:00	0.00
17:00:00	0.00
18:00:00	0.00
19:00:00	0.00
20:00:00	0.00
21:00:00	0.00
22:00:00	0.00
23:00:00	0.00
0:00:00	0.00

Los Angeles Waterkeeper Notice of Violations and Intent to File Suit - Exhibit B
Hourly Rain Data Inconsistent with the Crown Facility's Reporting
July 2009 - July 2014
(462-Tujunga S.G. Rain Gage)

December 20, 2010 - Hourly Rain Data

Hour (Ending Time)	Rainfall (in inches)
0:00:00	0.08
1:00:00	0.01
2:00:00	0.00
3:00:00	0.00
4:00:00	0.01
5:00:00	0.01
6:00:00	0.01
7:00:00	0.00
8:00:00	0.01
9:00:00	0.07
10:00:00	0.10
11:00:00	0.11
12:00:00	0.04
13:00:00	0.25
14:00:00	0.08
15:00:00	0.22
16:00:00	0.06
17:00:00	0.09
18:00:00	0.08
19:00:00	0.01
20:00:00	0.02
21:00:00	0.03
22:00:00	0.03
23:00:00	0.05
0:00:00	0.06

May 16, 2011 - Hourly Rain Data

Hour (Ending Time)	Rainfall (in inches)
0:00:00	0.00
1:00:00	0.00
2:00:00	0.00
3:00:00	0.00
4:00:00	0.00
5:00:00	0.00
6:00:00	0.00
7:00:00	0.00
8:00:00	0.00
9:00:00	0.00
10:00:00	0.00
11:00:00	0.00
12:00:00	0.00
13:00:00	0.00
14:00:00	0.00
15:00:00	0.00
16:00:00	0.00
17:00:00	0.00
18:00:00	0.00
19:00:00	0.00
20:00:00	0.00
21:00:00	0.00
22:00:00	0.00
23:00:00	0.00
0:00:00	0.00

Los Angeles Waterkeeper Notice of Violations and Intent to File Suit - Exhibit B
Hourly Rain Data Inconsistent with the Crown Facility's Reporting
July 2009 - July 2014
(462-Tujunga S.G. Rain Gage)

January 21, 2012 - Hourly Rain Data

Hour (Ending Time)	Rainfall (in inches)
0:00:00	0.00
1:00:00	0.00
2:00:00	0.00
3:00:00	0.01
4:00:00	0.04
5:00:00	0.08
6:00:00	0.07
7:00:00	0.13
8:00:00	0.10
9:00:00	0.02
10:00:00	0.00
11:00:00	0.00
12:00:00	0.00
13:00:00	0.00
14:00:00	0.00
15:00:00	0.00
16:00:00	0.00
17:00:00	0.00
18:00:00	0.00
19:00:00	0.00
20:00:00	0.00
21:00:00	0.00
22:00:00	0.00
23:00:00	0.00
0:00:00	0.00

March 17, 2012 - Hourly Rain Data

Hour (Ending Time)	Rainfall (in inches)
0:00:00	0.00
1:00:00	0.00
2:00:00	0.00
3:00:00	0.00
4:00:00	0.00
5:00:00	0.01
6:00:00	0.01
7:00:00	0.11
8:00:00	0.19
9:00:00	0.16
10:00:00	0.09
11:00:00	0.04
12:00:00	0.08
13:00:00	0.01
14:00:00	0.00
15:00:00	0.02
16:00:00	0.00
17:00:00	0.00
18:00:00	0.01
19:00:00	0.00
20:00:00	0.00
21:00:00	0.00
22:00:00	0.01
23:00:00	0.03
0:00:00	0.00

Los Angeles Waterkeeper Notice of Violations and Intent to File Suit - Exhibit B
Hourly Rain Data Inconsistent with the Crown Facility's Reporting
July 2009 - July 2014
(462-Tujunga S.G. Rain Gage)

April 10, 2012 - Hourly Rain Data

Hour (Ending Time)	Rainfall (in inches)
0:00:00	0.00
1:00:00	0.00
2:00:00	0.00
3:00:00	0.00
4:00:00	0.00
5:00:00	0.00
6:00:00	0.00
7:00:00	0.00
8:00:00	0.00
9:00:00	0.00
10:00:00	0.00
11:00:00	0.00
12:00:00	0.00
13:00:00	0.00
14:00:00	0.00
15:00:00	0.00
16:00:00	0.00
17:00:00	0.00
18:00:00	0.00
19:00:00	0.00
20:00:00	0.00
21:00:00	0.00
22:00:00	0.00
23:00:00	0.00
0:00:00	0.14

May 1, 2012 - Hourly Rain Data

Hour (Ending Time)	Rainfall (in inches)
0:00:00	0.00
1:00:00	0.00
2:00:00	0.00
3:00:00	0.00
4:00:00	0.00
5:00:00	0.00
6:00:00	0.00
7:00:00	0.00
8:00:00	0.00
9:00:00	0.00
10:00:00	0.00
11:00:00	0.00
12:00:00	0.00
13:00:00	0.00
14:00:00	0.00
15:00:00	0.00
16:00:00	0.00
17:00:00	0.00
18:00:00	0.00
19:00:00	0.00
20:00:00	0.00
21:00:00	0.00
22:00:00	0.00
23:00:00	0.00
0:00:00	0.00

Los Angeles Waterkeeper Notice of Violations and Intent to File Suit - Exhibit B
Hourly Rain Data Inconsistent with the Crown Facility's Reporting
July 2009 - July 2014
(462-Tujunga S.G. Rain Gage)

April 16, 2013 - Hourly Rain Data

Hour (Ending Time)	Rainfall (in inches)
0:00:00	0.00
1:00:00	0.00
2:00:00	0.00
3:00:00	0.00
4:00:00	0.00
5:00:00	0.00
6:00:00	0.00
7:00:00	0.00
8:00:00	0.00
9:00:00	0.00
10:00:00	0.00
11:00:00	0.00
12:00:00	0.00
13:00:00	0.00
14:00:00	0.00
15:00:00	0.00
16:00:00	0.00
17:00:00	0.00
18:00:00	0.00
19:00:00	0.00
20:00:00	0.00
21:00:00	0.00
22:00:00	0.00
23:00:00	0.00
0:00:00	0.00

May 5, 2013 - Hourly Rain Data

Hour (Ending Time)	Rainfall (in inches)
0:00:00	0.00
1:00:00	0.00
2:00:00	0.00
3:00:00	0.00
4:00:00	0.00
5:00:00	0.00
6:00:00	0.00
7:00:00	0.00
8:00:00	0.00
9:00:00	0.00
10:00:00	0.00
11:00:00	0.00
12:00:00	0.00
13:00:00	0.00
14:00:00	0.00
15:00:00	0.00
16:00:00	0.00
17:00:00	0.00
18:00:00	0.00
19:00:00	0.00
20:00:00	0.00
21:00:00	0.00
22:00:00	0.00
23:00:00	0.00
0:00:00	0.00

Los Angeles Waterkeeper Notice of Violations and Intent to File Suit - Exhibit B
Hourly Rain Data Inconsistent with the Crown Facility's Reporting
July 2009 - July 2014
(462-Tujunga S.G. Rain Gage)

May 6, 2013 - Hourly Rain Data

Hour (Ending Time)	Rainfall (in inches)
0:00:00	0.00
1:00:00	0.00
2:00:00	0.05
3:00:00	0.02
4:00:00	0.01
5:00:00	0.01
6:00:00	0.07
7:00:00	0.03
8:00:00	0.00
9:00:00	0.02
10:00:00	0.02
11:00:00	0.01
12:00:00	0.00
13:00:00	0.00
14:00:00	0.00
15:00:00	0.00
16:00:00	0.00
17:00:00	0.00
18:00:00	0.00
19:00:00	0.00
20:00:00	0.00
21:00:00	0.00
22:00:00	0.00
23:00:00	0.04
0:00:00	0.14

